

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

BEACHBODY, LLC,

Plaintiff,

v.

ULTIMATE SUPPLY COMPANY, et
al.,

Defendants.

Case No.: 8:17-cv-00420-JLS (DFMx)

**PERMANENT INJUNCTION
AGAINST DEFENDANTS
ULTIMATE SUPPLY COMPANY
AND THAI DUC VU AND
DISMISSAL OF ENTIRE ACTION,
WITH PREJUDICE**

Honorable Josephine L. Staton

Pursuant to the Stipulation for Entry of Permanent Injunction against Defendants Ultimate Supply Company and Thai Duc Vu (“Defendants”), by and between Plaintiff Beachbody, LLC (“Plaintiff”) and Defendants, the Court hereby **ORDERS, ADJUDICATES and DECREES** that a permanent injunction shall be and hereby is entered against Defendants in the above-referenced matter as follows:

1. **PERMANENT INJUNCTION.** Pursuant to 15 United States Code (“U.S.C.”) §1116, Defendants are hereby restrained and enjoined from engaging in, directly or indirectly, or authorizing or assisting any third party to engage in, any of the following activities in the United States and throughout the world:

1 i. copying, manufacturing, importing, exporting, marketing,
2 selling, offering for sale, distributing or dealing in any product or service that uses,
3 or otherwise making any use of, any of Plaintiff's BEACHBODY®, P90X3®,
4 INSANITY®, FOCUS T25®, 21 DAY FIX® and/or PIYO® trademarks and
5 copyrights, and/or any intellectual property that is confusingly or substantially
6 similar to, or that constitutes a colorable imitation of, any of Plaintiff's
7 BEACHBODY®, P90X3®, INSANITY®, FOCUS T25®, 21 DAY FIX® and/or
8 PIYO® trademarks and copyrights, whether such use is as, on, in or in connection
9 with any trademark, service mark, trade name, logo, design, Internet use, website,
10 domain name, metatags, advertising, promotions, solicitations, commercial
11 exploitation, television, web-based or any other program, or any product or service,
12 or otherwise;

13 ii. performing or allowing others employed by or representing them,
14 or under their control, to perform any act or thing which is likely to injure Plaintiff,
15 any of Plaintiff's BEACHBODY®, P90X3®, INSANITY®, FOCUS T25®, 21
16 DAY FIX® and/or PIYO® trademarks and copyrights, and/or Plaintiff's business
17 reputation or goodwill;

18 iii. engaging in any acts of trademark infringement, copyright
19 infringement, false designation of origin, dilution, unfair competition, or other act
20 which would tend damage or injure Plaintiff; and/or

21 iv. using any Internet domain name or website that includes any of
22 Plaintiff's Trademarks and Copyrights, including the BEACHBODY®, P90X3®,
23 INSANITY®, FOCUS T25®, 21 DAY FIX® and/or PIYO® marks or works.

24 2. **FORFEITURE.** Defendants are ordered to deliver to Plaintiff
25 immediately for destruction all counterfeit BEACHBODY®-branded exercise kits
26 and DVDs in their possession, custody or control, including but not limited to
27 P90X3®, INSANITY®, FOCUS T25®, 21 DAY FIX® and/or PIYO® exercise kits
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1 and DVDs, to the extent that any of these items are in Defendants' possession,
2 custody or control.

3 3. **ENTRY AND SERVICE.** The Court finds there is no just reason for
4 delay in entering this Permanent Injunction, and, pursuant to Rule 54(a) of the
5 Federal Rules of Civil Procedure, the Court directs immediate entry of this
6 Permanent Injunction against Defendants. This Permanent Injunction shall be
7 deemed to have been served upon Defendants at the time of its execution by the
8 Court. Plaintiff is hereby ordered to serve Defendants with a copy of this Permanent
9 Injunction within five (5) calendar days of entry.

10 4. **NO APPEALS AND CONTINUING JURISDICTION.** No appeals
11 shall be taken from this Permanent Injunction, and the parties waive all rights to
12 appeal. This Court expressly retains jurisdiction over this matter to enforce any
13 violation of the terms of this Permanent Injunction by Defendants.

14 5. **NO FEES AND COSTS.** Each party shall bear their own attorneys'
15 fees and costs incurred in this matter.

16 6. **DISMISSAL.** Upon entry of this Permanent Injunction against
17 Defendants this case is hereby dismissed in its entirety, with prejudice.

18 IT IS SO ORDERED, ADJUDICATED and DECREED on this

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20 DATE: May 26, 2017

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23 HON. JOSEPHINE L. STATON
24 United States District Judge
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